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International Court of Justice

H3159 – 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date : 21 July 1948

I certify that Document Number 3264-PS was introduced into evidence as Exhibit Number USA-542 in the Trial by the International Military Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

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Chief, Document
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C E R T I F I C A T E

I hereby certify that the annexed document 3264-PS No. USA - 542 is a photostat of an original document submitted in evidence by the United States Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Nuremberg, 1 July 1948

Paul Joosten

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

SEGRETERIA DI STATO
DI SUA SANTITA'

THE VATICAN, November 13th 1945.

I, Domenico Tardini, Secretary of Extraordinary Ecclesiastical Affairs, hereby certify that the attached document, consisting of 14 printed pages, and entitled:

"A Note of His Eminence the Cardinal Secretary of State to the Foreign Minister of the Reich about the religious situation in 'Warthegau' and in the other Polish provinces subject to Germany (March 2nd 1943)" (pp.2-15)

is a true and correct translation into the English language from the Italian language of a carbon copy now in the possession of the Secretariate of State of His Holiness of a document, the original of which was dispatched to the Foreign Minister of the Reich.

Domenico Tardini

INTERNATIONAL MILITARY TRIBUNAL
NURNBERG, GERMANY
USA Exhibit 572
Filed Jan 8, 1946

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POLAND

A Note of His Eminence the Cardinal Secretary of State to the Foreign Minister of the Reich about the religious situation in « Warthegau » and in the other polish provinces subject to Germany

Vatican, March 2nd, 1943.

No. 1063/43

Excellency,

The Holy See, to which by divine mandate is committed the task of looking after the religious interests of all Catholics, to whatever nationality they belong, cannot fail to be intensely preoccupied by the grave and systematic difficulties which are being put in the way of the free profession of the Catholic faith and the practice of the Catholic religion, in some territories under the Authorities of the Reich.

As the interpreter of the very intense desire which animates the same Holy See to have these difficulties solved, I have the honour to recall them to the special attention of your Excellency, and by your kind intervention to the other competent Authorities of the Government of the Reich.

The place where, above all, the religious situation, by its unusual gravity, calls for special consideration is the territory called the "Reichsgau Wartheland".

Six bishops resided in that region in August 1939; now there is left only one. In fact:

To His Excellency
Joachim von Ribbentrop
Reichsminister for Foreign Affairs
Berlin.

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The Bishop of Lodz (Litzmannstadt) and his Auxiliary were, in the course of the year 1941, confined first in a small district of the diocese, and then expelled and exiled in the "Generalgouvernement".

Another Bishop, Mgr. Michael Kozal, Auxiliary and Vicar General of Wladislavia (Leslau), was arrested in the autumn of 1939, detained for some time in a prison in the city and later in a religious house in Lad, and finally was transferred to the concentration camp at Dachau.

Since His Eminence the Cardinal Archbishop of Gniezno (Gnesen) and Poznan (Posen) and the Bishop of Wladislavia, who had gone away during the period of military operations, were not allowed to return to their Sees, the only bishop who now remains in the "Warthegau" is His Excellency Mgr. Valentine Dymek, Auxiliary of Poznan; and he, at least up to November 1942, was interned in his own house.

All efforts of the Holy See on behalf of these Bishops were in vain. Thus, in reply to a Verbal Note recommending Mgr. Michael Kozal, presented to it on June 10th 1941, on behalf of the Secretariate of State of His Holiness, by the Apostolic Nunciature in Berlin, your Reichsministry for Foreign Affairs answered in the Verbal Note III 2270 on November 18th of the same year, saying that the Prelate had been transferred from Lad to Dachau and adding that for reasons of public security it was not possible for the moment to restore him to liberty.

When the Nunciature urged the matter on December 12th 1941, and asked for a specification of the charges brought against Mgr. Kozal, your Ministry merely affirmed, but without adducing the relevant proofs (Verbal Note Pol. III 496 of March 7th, 1942), that the Prelate had engaged in political activity "in deutschfeindlichem Sinne" [of an anti-German nature]; and then repeated the statement that "aus präventiv-polizeilichen Gründen" [for preventive police reasons] it was not possible to set him free.

The absence of any formulation of specific charges led the Apostolic Nuncio once more orally to draw the attention of the

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Reichsministry for Foreign Affairs to the matter. He was given grounds for hoping to obtain a more detailed reply, which however was never given.

In the same way, again at the express whish of the Secretariate of State, the Apostolic Nunciature in Berlin made a protest, by the Verbal-Note N. 44007 of December 4th 1941, against the deportation and exile imposed upon the Bishop of Lodz and his Auxiliary, and asked for their return to the diocese. Your Reichsministry for Foreign Affairs, in the Verbal Note III 397 of February 23rd 1942, replied that the Prelates had been transferred in the preceding August to the convent of the Franciscan Fathers at Biecz "aus sicherheitspolizeilichen Gründen" [for security police reasons] and that since that date they had not left "ihren dortigen Aufenthaltsort" [their place of residence there].

If the lot of their Excellencies the Bishops has been a source of anxiety for the Holy See, the condition of an immense number of priests and religious has caused it and still causes it no less grief.

In the territory now called "Warthegau", more than two thousand priests exercised their ministry before the war; they are now reduced to a very small number.

According to accounts receveid from various quarters by the Holy See, in the first months of the military occupation not a few members of the secular clergy were shot or otherwise put to death, while others—some hundreds—were imprisoned or treated in an unseemly manner, being forced into employments unbecoming their state and exposed to scorn and derision.

Then, while numbers of ecclesiastics were exiled or constrained in some other way to take refuge in the "Generalgouvernment", many others were transferred to concentration camps. At the beginning of October 1941, the priests from the dioceses of the "Warthegau" detained in Dachau already numbered several hundreds; but their number increased considerably in that month following a sharp intensification of police measures which culminated in the imprisonment and deportation of further hundreds

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of ecclesiastics. Entire "Kreise" [districts] remained thus completely deprived of clergy. In the city of Poznan itself the spiritual care of some 200,000 Catholics remained in the hands of not more than four priests.

No less painful was the fate reserved for the regular clergy. Many religious were shot or otherwise killed; the great majority of the others were imprisoned, deported or expelled.

In the same way, far-reaching measures were taken against the institutions preparing candidates for the ecclesiastical state. The diocesan seminaries of Gniezno and Poznan, of Wladislavia, and of Lodz were closed. The seminary in Poznan for the training of priests destined to work among Polish Catholics abroad was also closed.

The novitiates and houses of formation of the religious Orders and Congregations were closed.

Not even the Nuns were able to continue their charitable activities without molestation. For them there was set up a special concentration camp at Bojanowo (Schmückert), where towards the middle of 1941 about four hundred sisters were interned and employed in manual labour. To a representation of the Holy See made through the Apostolic Nunciature in Berlin (Memorandum n. 40.348 of June 11th 1941) your Reichsministry for Foreign Affairs replied in the Memorandum Pol. III 1886 of September 28 of the same year, that it was only question "um eine mit Einvernehmen des Reichsstatthalters für den Reichsgau Wartheland getroffene, vorübergehende Massnahme, um der Obdachlosigkeit polnisch-katholischer Schwestern zu begegnen" [of a temporary measure, taken with the consent of the Reichs-Leutenant for Wartheland, in order to supply the lack of housing for Polish Catholic Sisters]. In the same Memorandum it was admitted that as a result of reorganization of charitable institutions many Catholic Sisters were without employment.

But, in spite of the fact that this measure was declared to be temporary, it is certain that towards the end of 1942 some hundreds of Nuns were still interned at Bojanowo. It is established

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that for some time the Religious were deprived even of spiritual help.

Likewise in the matter of education and religious instruction of youth, no attention was paid in the "Warthegau" to the rights of the Catholic Church.

All the Catholic schools were suppressed.

A decree of the Reichslieutenant, dated August 19th 1941, established that Religion classes for young Germans could be conducted only for those between 10 and 18 years of age and only in places assigned to religious worship and for one hour a week, between 3 and 5 p. m. It was also prescribed that the police should be informed beforehand regarding the time, the place, and the personnel assigned to the task of teaching. These dispositions were relaxed somewhat, especially in regard to the time-table, by a decree of November 17th, 1941.

Several churches were closed to public worship from the first months of the occupation; very many more were closed afterwards, especially in October 1941. From then on, many districts remained completely without official places of worship, while some churches were afterwards opened only to Catholics of a determined nationality.

Besides, in the churches which remained open, although so restricted in number, the practice of religion was made increasingly more difficult; for it was reserved to determined hours, which proved to be few and insufficient on feast days, and very few on week-days. For example, the time-table fixed by the Reichslieutenant's office for Polish Catholics in the winter of 1940-41 set forth:

divine service on Sundays and feast-days recognized by the law: from 8 a. m. to 11;

Masses on week-days: from 8 a. m. to 9 (on Saturday in the presence of the faithful; on the other days without the faithful);

instruction of the young for Confession and Communion: Wednesday, from 2 p. m. to 4;

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Confession for adults: Saturday from 2 p. m. to 6.

The same arrangements hold for the present winter (1942-1943) with the one exception that, on feast-days, divine service is allowed from 7 a. m. to 10.30.

It was also forbidden for the faithful of one parish (Kirchengemeinde) to go to the church of another parish.

Besides, in regard to public worship and sacred functions, the most rigourous separation between the faithful of German nationality and those of Polish nationality was imposed. It was forbidden for Polish Catholics to frequent places of worship served by German priests as it was for German Catholics to assist at functions celebrated by Polish priests; the observance of this separation was enforced, and continue to be enforced even in the gravest situations, and even at the hour of death, so that in consequence the faithful are often deprived of the consolation of the last Sacraments.

An Ordinance of October 3rd, 1941 applied the principle of separation according to nationality even to the cemeteries, which moreover are taken away from the possession of ecclesiastical bodies.

Te use of the Polish language in sacred functions, and even in the Sacrament of Penance, was forbidden. Moreover—and this is a matter worthy of special mention and is at variance with the natural law and with the dispositions accepted by the legal systems of all nations—for the celebration of marriage between Poles the minimum age-limit was fixed at 28 years for men and 25 years for women.

Catholic Action was so badly hit as to be completely destroyed. The National Institute, which was at the head of the whole Catholic Action Movement in Poland, was suppressed; as a result all the associations belonging to it, which were flourishing, as well as all Catholic cultural, charity and social service institutions were abolished.

In the whole of the " Warthegau " there is no longer any Catholic press and not even a Catholic bookshop.

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Grave measures were repeatedly taken with regard to ecclesiastical property.

Many of the churches closed to public worship were turned over to profane uses. From such an insult not even the Cathedrals of Gniezno, Poznan, Wladislavia and Lodz were spared. Episcopal residences were confiscated, the real estate belonging to the seminaries, convents, diocesan museums, libraries and Church funds were confiscated or sequestered.

After the Ordinance of the Government of the Reich, dated September 17th 1940, " über die Behandlung von Vermögen der Angehörigen des ehemaligen polnischen Staates " [on how to deal with the goods of subjects belonging to the erstwhile Polish State] and the decree of the Reichslieutenant in Wartheland dated November 19th 1941—which we shall mention later—the work of spoliation was complete.

The repeated interventions of the Apostolic Nunciature at Berlin in defence of ecclesiastical property had no effect. The Papal representative called attention to the dispositions of the Code of Canon Law (can. 1499); but your Reichsministry for Foreign Affairs replied (Verbal Note Pol. III 960 of May 19th, 1941) that this was a matter of the internal law of the Church, " das hier keine Anwendung findet " [which does not apply here]. The Apostolic Nuncio, in the name of the Holy See, pointed out that this was a matter of a law belonging to the Constitution of the Catholic Church, and hence possessing the characteristics of universality which derive from the nature and the mission of the same Church—a law consequently that is independent of contractual conventions that may be made with the States.

But your Reichsministry for Foreign Affairs rejected every argument and declared unjustified the protest raised by the Apostolic Nunciature against the measures taken in regard to ecclesiastical property, confining itself to the repeated statement (Verbal Note Pol. III 1801 of October 10th 1941) " dass nach der Auffassung der Reichsregierung das Kanonische Recht rein innerkichliches Recht ist " [that according to the view of the Reichs Govern-

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ment, Canon Law is a law entirely internal to the Church; accordingly in the cases in question, only German law should be applied.

Even before ecclesiastical property was affected, the allowances to the Clergy had been abolished.

On March 14th 1940, the Reichslieutenant in the "Warthegau" published an Ordinance by which he introduced the "contributions for worship" which religious associations ("religiöse Vereinigungen und Religionsgesellschaften") could be authorised to collect.

A circular of the same Reichslieutenant, dated February 6th 1941, aggravated the situation still further by affirming that "die Religionsgesellschaften und die religiösen Vereinigungen" [religious associations] were not recognized in the "Warthegau" "als Körperschaften des öffentlichen Rechtes" [as corporations acknowledged by public law]; at the same time it was established that without permission collections in favour of the Churches could not be made.

On March 25th 1941, a declaration was published from the office of the Reichslieutenant, according to which the authorities were disposed to permit – after the following April 1st: – collections in favour of German religious associations in the "Warthegau", but on condition that these were first formed into "Vereine". Finally, on September 13th 1941, was published the Ordinance N. 246 "uber religiöse Vereinigungen und Religionsgesellschaften" [on religious associations].

In this documents the Reichslieutenant declared that instead of the juridical persons of the Catholic Church who were in existence in the Reichsgau Wartheland on September 1st 1939, a single "Religionsgesellschaft" was substituted, which was called by him "Römisch katholische Kirche deutscher Nationalität im Reichsgau Wartheland" [The Roman Catholic Church of German nationality in the Reichsgau Wartheland] and was recognized as "a juridical person of a private character".

The Ordinance then established that the Reichslieutenant could give legal capacity to other "religiösen Vereinigungen und Re-

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ligionsgesellschaften » [religious associations]; it demanded, however, that their statutes, as also those of the " Römisch-katholischen Kirche deutscher Nationalität im Reichsgau Wartheland " should be presented to the Reichslieutenant for approval.

According to another disposition of the above-mentioned Ordinance no person can be designated a member of the Council (" Vorstandsmitglied ") of the " religions associations " in question, unless the Reichslieutenant has first declared that he has no objections of a general political character against him, while it is enough that such objections be established afterwards, for the " Vorstandsmitglied " to lose his post forthwith.

The administrative regulations published by the Lieutenant's office for the application of the Ordinance of September 13th 1941 made the situation of the Catholics in that region still more difficult.

For example, on November 19th 1941 came a decree of the Reichslieutenant by which among other things it was set forth that, as from the previous September 13th, the property of the former juridical persons of the Roman Catholic Church should pass over to the " Römisch-katholischen Kirche deutscher Nationalität im Reichsgau Wartheland ", in so far as, on the request of the above-mentioned " Religionsgesellschaft ", such property shall be recognized by the Reichslieutenant as " non-Polish property ". In virtue of this decree practically all the goods of the Catholic Church in the " Warthegau " were lost.

On February 12th 1942, the office of the Reichslieutenant published dispositions to make it easy for people to leave the " religious associations ". It is established, even, that here and there flysheets were distributed with a formula to be signed, declaring: " that one did not belong to any Church association in Wartheland, and would never enter such an association within the confines of the Great German Reich ". The office of the Reichslieutenant itself does not seem foreign to pressure which is being put on the faithful to induce them to abandon all religious affiliations.

What has been so far set forth represents only a part of what

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has been done in the "Warthegau" to the detriment of religion and of the rights of the Catholic Church.

To this state of affairs the Apostolic Nunciature at Berlin repeatedly called the attention of your Reichsministry for Foreign Affairs: among other occasions, by the Notes of August 14th and September 2nd 1941, in which, after a well-established account of some of the most serious antireligious measures, there followed a request that freedom of worship should be restored in the "Warthegau". On September 29th 1941, the same Nunciature presented a Verbal Note of protest against the Ordinance published by the Reichslieutenant on the 13th of that same month.

In acknowledging these three diplomatic communications the Reichsminister for Foreign Affairs said that in due time he would return to the question, "sobald sie in Benehmen mit den inneren Stellen geprüft worden ist" (Verbal Note III 1811 II, of September 12th 1941) and "sobald die Prüfung der Angelegenheit durch die inneren Stellen abgeschlossen ist" (Verbal Note III 1963 of October 3rd 1941 ["as soon as it is examined by the offices of the Ministry of the Interior"; and "as soon as the investigation of the matter by the offices of the Ministry of the Interior is complete"]. When the promised answer was not forthcoming, the Apostolic Nuncio, on December 5th of that same year, said to the Secretary of State at the Reichsministry for Foreign Affairs that if his preceding notes could not be answered by the Reichsministry for Foreign Affairs itself, he asked that they should be forwarded to the Head of the State. He heard nothing more of the matter.

If we pass from the "Warthegau" to the other territories in the east, we unfortunately find there, too, acts and measures against the rights of the Church and of the Catholic faithful, though they vary in gravity and extension from one place to another.

In the Provinces which were declared annexed to the German Reich and joined up with the Gaue of East Prussia, of Danzic-West Prussia and of Upper Silesia, the situation is very like

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that described above in regard to Seminaries, the use of the Polish mother-tongue in sacred functions, charitable works, associations of Catholic Action, the separation of the faithful according to nationality. There, too, one must deplore the closing of churches to public worship, the exile, deportation, the violent death of not a few of the Clergy (reduced by two-thirds in the diocese of Culma and by at least a third in the diocese of Katowice), the suppression of religious instruction in the schools, and above all the complete suppression in fact of the Episcopate. Actually, after the Bishop of Culma, who had left during the military operations, had been refused permission to return to his diocese, there followed in February 1941—the expulsion of the Bishop of Plock (Schröttersburg) and his Auxiliary, who both died later in captivity: the Bishop, the venerable octogenarian Mgr. Julian Anthony Nowowiejski died at Dzialdowo (Soldau) on May 28th 1941, and the Auxiliary, Mgr. Leo Wetmanski, "in a transit camp" on October 10th of the same year.

In the territory called the "Generalgouvernement" as in the Polish provinces which had been occupied by Soviet troops in the period between September 1939 and June 1941, the religious situation is such as to cause the Holy See lively apprehension and serious preoccupation. Without pausing to describe the treatment meted out in many cases to the Clergy (priests imprisoned, deported and even put to death), the confiscation of ecclesiastical property, the closing of churches, the suppression even of associations and publications of simply and exclusively religious character, the closing of the Catholic secondary and higher schools and of the Catholic University of Lublin, let it suffice to recall two series of specially grave measures: those which affect the Seminaries and those which weigh on the Episcopate.

When the buildings of the various Seminaries had been completely or in part occupied, the intention for some time (November 1940 - February 1941) was to reduce these institutions for the training of priests to two—those of Cracow and Sandomir;

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then the others were permitted to reopen, but only on condition that no new students were admitted, which in practice inevitably means that all these institutions will soon be closed.

As to their Excellencies the Bishops, the Holy See must deplore the fact that they cannot pursue their activities with the necessary liberty. Besides, two dioceses in particular are completely deprived of Bishops: that of Pinsk, through the Auxiliary being refused permission to return after he had left when the Bolshevist troops arrived, and that of Lublin as a result of the sentence passed in November 1939, on Mgr. Marian Leo Fulman and his Auxiliary. Mgr. Fulman was exiled in a district of the Tarnow diocese, and the Auxiliary, Mgr. Vladislas Goral, was sent to a concentration camp in Germany. Moreover in March 1942, the Archbishop of Wilno, Mgr. Romuald Jalbrzykowski, was deported from his city and archdiocese and confined in a convent.

Mention has several times been made already of ecclesiastics deported or confined in concentration camps. The majority of them were transferred to the Altreich, where their number already exceeds a thousand.

When the Holy See asked that they should be liberated and be permitted to emigrate to neutral countries of Europe or America (1940), the petition was refused; ita was only promised that they should all be collected in the concentration camp at Dachau, that they should be dispensed from too hard labour, and that some should be permitted to say Mass, which the others could hear.

The treatment of the ecclesiastics interned at Dachau, which, for a certain time, in 1941, was in fact somewhat mitigated, worsened again at the end of that year. Particularly sorrowful were the announcements which for many months, in 1942, came from that camp of the frequent deaths of priests, even of some young priests among them.

It is, finally, not without intense pain that we note how the civil authorities have very seriously restricted religious ministry in favour of Polish Catholic laymen employed in the territory of the Altreich, and of their children.

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By a regulation of September 2nd, 1942, the Reichsministry for Ecclesiastical Affairs decreed that civilian workers of Polish nationality may be assisted spiritually only through special sacred functions. These functions can take place—except on the great feasts—only on the first Sunday of each month and at fixed hours. On principle the use of the mother tongue of these Catholic workers is forbidden even in the most secret and absolutely private Sacrament of Confession: the only concession made is that texts in that language may be used to prepare the faithful for "general absolution" and for Holy Communion.

Polish Catholics are not allowed to contract marriage in the territory of the Altreich; just as requests for religious instruction or instruction in preparation for Confession and Holy Communion for the children of these workers are, in principle, not accepted. Moreover, all that has been recorded above was carried out with unremitting precaution to keep the Holy See out of the way: in fact direct communication was rendered almost impossible between it and the Episcopate of the territories mentioned, notwithstanding its direct interest in the religious life of all Catholics.

In spite of strong and reiterated appeals, made also on the occasion of Your Excellency's visit to the Holy Father in March 1940—as you will well remember,—the Holy See has not been permitted to send a Representative (Apostolic Visitor or Delegate) to those parts. It has not even been possible to put into effect the Papal plans for relief, already completed in favour of those sorely-tried peoples.

Nevertheless the Holy See has hitherto maintained the greatest reserve, confining its action—which has always been exclusively inspired by spiritual principles, that is the good of souls—to diplomatic steps with respect to the Reich authorities. It has waited for its policy to be fully appreciated so that of itself it might induce the same competent Authorities to change voluntarily their attitude towards Catholics and towards religious freedom.

The Holy See is unwilling to abandon its feeling of confidence even to-day, when through me, in fulfilment of a sacred duty that

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every hour becomes graver and more insistent, it presents this new document. It hopes therefore that the present exposition, arresting the attention of the Government of the Reich, as it should by the mass of detail contained in it, may also induce it to put an end to such a painful situation created by dispositions which run counter to natural and divine right.

I dot not doubt that Your Excellency will be willing to give what I have just expounded your most careful consideration, and, with the high authority which you possess, contribute effectively to the restoration of religious liberty to the Catholics in the above mentioned territories.

I gladly take this occasion to beg Your Excellency to accept the assurance of my highest esteem.

L. Card. Maglione.

END

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